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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,364	03/15/2001	Yeshayahu Redler	1336	6159

7590 04/05/2005

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EXAMINER
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SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/786,364	REDLER, YESHAYAHU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J Simitoski	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,12-15 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,12-15 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The response of 12/21/2004 was received and considered.
2. Claims 1, 12-15 & 22 are pending.

### ***Response to Arguments***

3. In light of Applicant's response, the rejection of claim 22 under 35 U.S.C. §112 ¶1 and the rejections of claims 1-6, 12-15 & 22 under 35 U.S.C. §112 ¶2, set forth in the previous Office Action, are withdrawn.
4. Applicant's arguments with respect to claims 1, 12-15 & 22 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's response (p. 7, ¶5) argues that Clark fails to disclose integrating the encryption technique, where transmission occurs of data that is already encrypted. However, Applicant is directed to col. 2, lines 18-41, where Clark discloses a secure entry device, where the entered data is encrypted in the device and sent to a remote host.

### ***Claim Objections***

6. Claims 1 & 12-15 are objected to because of the following informalities: In claim 1, "siad" should be replaced with "said" (line 27). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1, 12-15 & 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 & 22, the limitation "encoding/decoding" is unclear. *For the purposes of this Office Action, "encoding/decoding" will be understood to mean "encoding or decoding".*

Regarding claims 1 & 22, the limitation "encrypting/decrypting" is unclear. *For the purposes of this Office Action, "encoding/decoding" will be understood to mean "encrypting or decrypting".*

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6, 12-15 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,517,569 to Clark.

Regarding claims 1 & 22, Clark discloses a secure data entry peripheral device configured as a secure keyboard device/encryption module (Fig. 2 #214, Fig. 11 & col. 7, lines 30-33) comprising means/keypad for at least one of entry, collection and reading of data information/confidential information (col. 2, lines 18-41 & Fig. 12 #1204), controller means/microcontroller for encoding/decoding said data information for presentation to the

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computer system/PC (encodes PIN buttons pushed to digital data) (col. 2, lines 18-41 & Fig. 12 #1212), means associated with said controller/encryption module for processing said encoded data information by performing at least one operation/encryption (col. 2, lines 18-41 & Fig. 12 #1212), said processed encoded data information being transmitted within the computer system/PC as encrypted data, and later decrypted and decoded for use at a remote location/host computer (col. 2, lines 18-41), wherein said controller means/microcontroller (Fig. 12 #1212) is an encryption unit/microcontroller and said processing means comprises an electronic device capable of encrypting/decrypting and storing data entered via said secure keyboard device (col. 2, lines 18-41), wherein said encryption unit/microcontroller and said electronic device/microcontroller are embedded within said secure keyboard device/encryption module as a single integrated device/encryption module (Fig. 11 & col. 7, lines 30-33), and wherein said single integrated device/keyboard contains non-volatile memory/ROM and EEPROM (col. 12, lines 22-36).

Regarding claims 12 & 13, Clark discloses an EEPROM storing secure information/encryption keys (col. 12, lines 22-36).

Regarding claim 14, Clark discloses a secure command interpreter/microcontroller which operates to manipulate commands (Fig. 12 #1212 & Fig. 5).

Regarding claim 15, Clark discloses means/encryption module for preventing unauthorized use of software programs (col. 18, line 61 – col. 19, line 25).

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703)746-7239 (for formal communications intended for entry)

**Or:**

(571)273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJS

March 23, 2005



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
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